

SECTION II—REMARKS

Applicants thank the Examiner for a thorough review, and respectfully request reconsideration of the above referenced patent application for the following reasons:

Advisory of obligation under 37 C.F.R. § 1.56

Applicants acknowledge the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made.

Claims 67-79 and 81-127 rejected under 35 U.S.C. § 103(a)

The Office Action rejected claims 67-79 and 81-127 under 35 U.S.C. § 103(a) as being unpatentable over Cormen et al., Introduction to Algorithms, ISBN: 0262031 318 (“Cormen”) in view of Sellis et al., The R+-Tree: A Dynamic Index For Multi-Dimensional Objects, Proceedings of the 13th VLDB Conference, Brighton 1987, pages 507-518 (“Sellis”).

In particular, the Office Action states that “[i]t would have been obvious ... to combine Cormen and Sellis” because the combination would improve the prior art of Cormen, “by storing data in a more efficient and useful manner.” Applicants respectfully disagree.

The M.P.E.P. at § 2143.01(V) (citing *In re Gordon*, 733 F.2d 900) states in pertinent part:

If proposed modification would render the prior art invention being modified **unsatisfactory for its intended purpose**, then there is no suggestion or motivation to make the proposed modification.

The proposed modification of Cormen’s disclosed B-Tree with the R+-Tree disclosed by Sellis would render the prior art of Cormen, “unsatisfactory for its intended purpose.” Cormen

discloses nodes with keys having a single unitary value in each. Cormen thus allows for efficient searches of singular values stored in the disclosed B-Tree by determining at an intermediate node if a value sought comes “before” or “after” a key in the intermediate node, and then by following the appropriate path until a matching single value key is found. Refer to Cormen at page 381, figure 19.1. Conversely, Sellis discloses keys having four distinct values, ^xlow, ^xhigh, ^ylow, and ^yhigh, representing the coordinates of the lower-left and upper-right corners of a rectangle.

Modifying Cormen’s single value keys with the quad-value keys required by Sellis would render Cormen’s disclosed B-Tree unsatisfactory for its intended purpose as the modified B-Tree would no longer be able to locate a matching key containing the single value sought. This is because a search of Cormen’s B-Tree would yield a key at an intermediate node having the four values required by Sellis, without any means to determine whether the single value sought came before or after the multiple values represented by the modified key. Stated differently, one cannot determine if a single value sought comes “before” or “after” the rectangles of Sellis, contrary to the intended purpose of Cormen’s single value keys.

Because the proposed combination of Cormen with that of Sellis renders the modified prior art **unsatisfactory for its intended purpose**, Applicants respectfully submit that the combination of these references is inappropriate. Applicants therefore, respectfully submit that claims 67-79 and 81-127 are patentable over the references and request the Examiner to withdraw the rejection to claims 67-79 and 81-127.

Claim 80 rejected under 35 U.S.C. § 103(a)

Claim 80 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Cormen in view of Sellis and further in view of US Patent Application Publication 2002/0181480 to Puleston

("Puleston").

Dependent claim 80 directly or indirectly incorporates all the limitations of the independent base claim upon which it depends, and therefore, for at least the reasons stated above, is patentable over the references. Applicants therefore respectfully request the Examiner to withdraw the rejection to claim 80.

CONCLUSION

Given the above remarks, all claims pending in the application are in condition for allowance. If the undersigned attorney has overlooked subject matter in any of the cited references that is relevant to allowance of the claims, the Examiner is requested to specifically point out where such subject matter may be found. Further, if there are any informalities or questions that can be addressed via telephone, the Examiner is encouraged to contact the undersigned attorney at (503) 439-8778.

Charge Deposit Account

Please charge our Deposit Account No. 02-2666 for any additional fee(s) that may be due in this matter, and please credit the same deposit account for any overpayment.

Respectfully submitted,

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I hereby certify that this correspondence is being submitted	
On:	<u>August 10, 2007</u>
Signature:	<u>/Katherine Jennings/</u> Katherine Jennings